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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/802,494

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Masaaki Okabayashi

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SUITE 3500

LOS ANGELES, CA 90013-1024

EXAMINER

MONIKANG, GEORGE C

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

03/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/802,494

Applicant(s)

OKABAYASHI ET AL.

Examiner

GEORGE C. MONIKANG

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/802/494.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/88)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/11/2008 has been entered.

Response to Arguments

1. Applicant's arguments filed 12/11/2008 have been fully considered but they are not persuasive.
2. With respect to applicant's arguments regarding claims 1 & 2, the SEND ON/OFF state being displayed after a predetermined time period, the examiner maintains his stand. Ota et al discloses controlling a SEND ON/OFF display after a predetermined time period (Ota et al, paras 0039-0040; para 0050; para 0061: its inherent that a display has a delay time before it indicates whether a control is sent i.e. T.V. ON button when pushed as a predetermined time before T.V. come on).
3. Applicant's arguments, filed 12/11/2008, with respect to the rejection(s) of claim(s) 3 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Craig, US Patent Pub. 2002/0107592 A1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Ota et al, US Patent Pub. 2002/0188364 A1.

Re Claim 1, Ota et al discloses a digital mixer apparatus for performing mixing processing on sound signals to output mixed sound signals (fig. 3), said apparatus comprising: a plurality of input channels each arranged to receive a sound signal (fig. 3: 312; para 0052); a first bus (fig. 3: 314) and a plurality of second buses (fig. 3: 317) each arranged to perform mixing processing on the sound signals input thereto from one or more of said plurality of input channels and thereby outputting mixed sound signals (fig. 3: 317; para 0048); a plurality of bus selecting controls provided in one-to-one corresponding relation to said plurality of second buses, each of said bus selecting controls selecting a corresponding one of said second buses in response to operation thereof (fig. 2: 232; paras 0049-0050); a plurality of channel-specific send controls provided in corresponding relation to said plurality of input channels, each of said channel-specific send controls controlling a send level of the sound signal to be delivered from a corresponding one of said input channels to the selected bus (para 0050); a plurality of channel-ON controls provided in corresponding relation to said

plurality of input channels, each of said channel-ON controls setting a signal ON/OFF state whether or not the sound signal is passed through each of said input channels corresponding to each of said channel ON controls and inputs to the first bus (para 0040), each said channel-ON controls having a display that displays the signal ON/OFF state of the corresponding input channel (fig. 2: 233; para 0040); a send ON/OFF section that sets send ON/OFF states whether or not to permit delivery of the sound signals from said input channels to said second buses for each of combinations of said input channels and said second buses (fig. 2: 233; para 0040; para 0050); and a control section (para 0061) that, while any one of said plurality of bus selecting controls is being operated beyond a predetermined time period, causes the displays of said channel-ON controls to display the send ON/OFF states, in said send ON/OFF section, of the delivery of the sound signals from the input channels, corresponding to said channel-ON controls, to the second bus corresponding to the one bus selecting control (paras 0039-0040; para 0050; para 0061: its inherent that a display has a delay time before it indicates whether a control is sent i.e. T.V. ON button when pushed as a predetermined time before T.V. come on).

Claim 2 has been analyzed and rejected according to claim 1.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suyama et al, US Patent Pub. 2002/0156547 A1, in view of Craig, US Patent Pub. 2002/0107592 A1.

Re Claim 3, Suyama et al discloses a digital mixer apparatus for performing mixing processing on sound signals to output mixed sound signals (fig. 1), said apparatus comprising: a plurality of input channels each arranged to receive a sound signal (fig. 1: 112 & 113); a plurality of layer controls provided in corresponding relation to a plurality of layers provided by dividing said plurality of input channels into groups each comprising a predetermined number of the input channels (para 0020), each of said layer controls selecting, in response to operation thereof, the predetermined number of the input channels belonging to a corresponding one of said layers (paras 0021-0020); a first bus that performs mixing processing on the sound signals input thereto from selected ones of said plurality of input channels and thereby outputs mixed sound signals (fig. 1: 114; para 0046); a predetermined number of first level controls (fig. 2a: 212; fig. 3: 302) to which are allocated the predetermined number of the input

channels selected via said layer control, each of said first level controls adjusting, in response to operation thereof, first delivery levels of the sound signals to be delivered from the input channels allocated thereto to said first bus (para 0053); a plurality of second buses that perform mixing processing on the sound signals input thereto from selected ones of said plurality of input channels and thereby output mixed sound signals (fig. 1: 115-117; para 0046); a plurality of bus selecting controls (fig. 5: 502 & 503; para 0060) provided in on-to-one corresponding relation to said plurality of second buses, each of said bus selecting controls selecting a corresponding one of said second buses in response to operation thereof (fig. 5: 502 & 503; para 0060); a predetermined number of second level controls to which are allocated the predetermined number of the input channels selected via said layer control, each of said second level controls adjusting, in response to operation thereof (para 0060), second delivery levels of the sound signals to be delivered from the input channels allocated thereto to said second bus selected via said bus selecting control (fig. 5: 502 & 503; para 0060); but fails to disclose a **control section that, in response to operation of any one of said plurality of bus selecting controls during continued operation of any one of said plurality of layer controls, copies, the second delivery levels, of the signals to be delivered from the predetermined number of the input channels to said second bus corresponding to the one bus selecting control, from the first delivery levels, set via said first level control, of the signals to be delivered from the predetermined number of the input channels, corresponding to the one layer control, to said first bus.** According to the above bolded section, when the bus selecting controls are

pushed, group of channels from one layer are copied/duplicated (includes signal levels etc) onto another layer. Craig discloses the concept of copying and pasting channels or group of channels (copying the channels means the channels will be the same including the levels) when a key 310 is pushed (*Craig, fig. 3: 310; para 0039: copying the channels includes copying the gain level and any other level*). It would have been obvious for Suyama et al to use the copy/paste channel control of Craig (*Craig, fig. 3: 310; para 0039*) to copy and paste channels/group of channels to another for the purpose of enabling a user to quickly and easily move around on the mixing console and select various channels, or group of channels from elsewhere on a mixing console.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE C. MONIKANG whose telephone number is (571)270-1190. The examiner can normally be reached on M-F. alt Fri. Off 7:30am-5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George C Monikang/
Examiner, Art Unit 2614

2/24/2009

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2614